

## **PROBATE CALENDAR NOTES**

**December 2, 2014**

**1:30 p.m., Department 40**

The following are the Probate Calendar Notes for the probate calendar set for hearing December 2, 2014, in Department 40, Commissioner Michael A. Jacques, presiding. Department 40 is located at 10820 Justice Center Drive, Roseville, in the Santucci Justice Center.

Pursuant to Local Rule 80.1.4, these calendar notes are not a tentative ruling on the merits of any matter before the court. If you have questions regarding the calendar notes, please contact the probate research attorney at (916) 408-6119. Do not contact Department 40 directly.

IF THE CALENDAR NOTES STATE THAT A DOCUMENT IS MISSING AND YOU HAVE A FILE-ENDORSED COPY OF THAT DOCUMENT, PLEASE FAX A COURTESY COPY OF THAT DOCUMENT TO (916) 408-6275. THE COURT DOES NOT ACCEPT DIRECT FAXES FOR FILING. ANY UNFILED DOCUMENT FAXED TO THIS LINE WILL NOT BE FILED.

Updated calendar notes will ordinarily be posted on the court day prior to the calendar, and may be posted at any time. Please do not call the probate research attorney regarding the calendar notes until after checking for any updated notes.

**NOTE: As of July 1, 2014, telephone appearances for this calendar are governed by Local Rules 20.8. and 80.1.2 (effective July 1, 2014). More information is available at the court's website, [www.placer.courts.ca.gov](http://www.placer.courts.ca.gov). For assistance, please contact the probate attorney.**

---

**1. S-PR-0003485 Thornton, Alvin L. - In Re the Conservatorship Of**

Fifth and final trust account is recommended for approval as prayed.  
Note: if any continuance is ordered, this matter should be continued to the conservatorship calendar.

**2. S-PR-0007258 Wiggins, Michael Richard - In Re the Estate of**

Petition for final distribution is recommended for approval as prayed.

**3. S-PR-0007296 Wheeler, Neil - In Re the Trust of**

It is recommended the petition to remove Karrie Taylor as trustee and the motion to stay the petition for removal to December 9, 2014, 1:30 p.m., in Department 40 as

requested by counsel.

Because three other petitions are pending for the same date, it is recommended the petition to order conveyance of real property to third-party claimant also be continued to December 9, 2014, 1:30 p.m., in Department 40.

**4. S-PR-0007299 Nunez, Ida - In Re the Estate of**

Appearance is required for hearing on petition to determine title to property and for other relief.

Although petitioner appears to have statutory standing under § 850(a)(2)(D), it is unclear how the court can grant any requested relief without the petitioner joining the personal representative for the estate of decedent as an indispensable party.

**5. S-PR-0007305 Rouse Jr., Walter - In Re the Estate of**

Spousal property petition hearing is dropped. The petition was previously granted.

**6. S-PR-0007429 Veteran, Thomas M. - In Re the Estate of**

Appearance is required for hearing on petition concerning estate real property.

The petition is not supported by points and authorities showing relief can be granted under the circumstances alleged or overcoming the presumption of Evid.C. § 662. The petition appears to admit that decedent intentionally divested himself of title to the property; there are no factual allegations showing that transferee attempted to or intended to reconvey the property at any time.

Missing notice to the personal representative for the estate of George Veteran II.

**7. S-PR-0007497 Starkey, Kathleen R. - In Re the Trust of**

Petition to determine trust property is recommended for approval as prayed.

**8. S-PR-0007498 Storino, Louis Jr. - In Re the Trust of**

Appearance is required for hearing on petition to determine trust property.

Petitioners should be prepared to show whether and how the evidence before the court satisfies Prob.C. § 15206 in light of Estate of Heggstad (1993) 16 Cal.App.4th 943, Osswald v. Anderson (1996) 49 Cal.App.4th 812, and Kucker v. Kucker (2011) 192 Cal.App.4th 90.

**9. S-PR-0007520 Petersen, Carol Arlo - In Re the Living Trust of**

Petition to determine trust personal property is recommended for approval as prayed.

**10. S-PR-0007526 Schimke, Myra A. - In Re the Trust of**

Appearance is required for hearing on trust petition.

**11. S-PR-0007531 Stein, Rosemarie - In Re the Estate of**

Appearance is required for hearing on spousal property petition.

It is recommended the petition be denied. The allegations and exhibits to the petition appear to demonstrate that petitioner succeeds to no part of decedent's estate. The will, offered by petitioner, directs the entire residue of the estate to the trustee of decedent's trust. Accordingly, none of the estate is "property passing to the surviving spouse" under Prob.C. §§ 13650(a) & 13651(a).

The additional request to confirm petitioner's community property interest should also be denied. Where there is no property passing to the surviving spouse, the additional relief of confirmation of survivor's share is unavailable, Prob.C. § 13650(a).

The further relief requested as to reformation of the trust is not available under any provision of Prob.C. § 13650 et seq.

As to the foregoing recommendations, the consent of the trustee and trust beneficiaries to the requested relief is irrelevant.

**12. S-PR-0007535 Lloyd, Brandon W. - In Re the Estate of**

Real property succession petition is recommended for approval as prayed.